COMMISSIONER OF PATENTS AND TRADEMARKS ANNUAL REPORT FISCAL YEAR 1980

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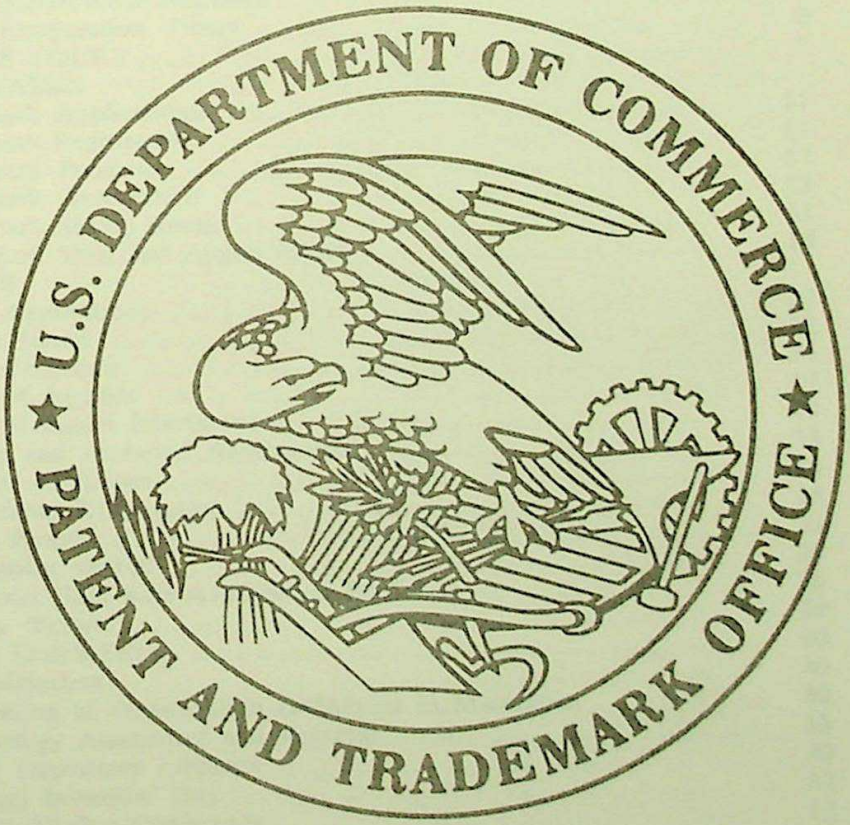
ANNUAL REPORT
FISCAL YEAR 1980

U.S. DEPARTMENT OF COMMERCE/PATENT AND TRADEMARK OFFICE



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January 1981

ANNUAL REPORT OF THE COMMISSIONER OF PATENTS AND TRADEMARKS

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ANNUAL REPORT OF THE COMMISSIONER OF PATENTS AND TRADEMARKS* FISCAL YEAR 1980

HIGHLIGHTS

- A new all-time record for filings of patent applications was set in FY 1980.
- Foreign filings of patent applications made up the largest share ever of total patent applications.
- Average patent pendency rose more than three months to 22.6 months.
- Pendency of trademark applications increased to 24.9 months while total applications pending in the office rose to an all-time high.
- The Supreme Court ruled that a patent may be granted on a living micro-organism.
- The PTO underwent a major reorganization with the establishment of an Assistant Commissioner for Finance and Planning.
- Legislation was enacted establishing reexamination of patents and a new mechanism for setting patent and trademark fees.
- The Office implemented the second phase of a major automated system for facilitating the processing of patents.
- Computer data base tapes containing patent information were made available to the public.

MISSION

The Patent and Trademark Office (the PTO) is charged with the responsibility of promoting the economic health of the nation through the administration of the patent and trademark laws of the United States. Patent laws benefit the economy by encouraging technological innovation through incentives to invent, invest and disclose new technology. The primary role of the PTO under the patent laws is to examine patent applications and grant protection for inventions. The Office is also responsible for disseminating the technological information which is disclosed in patent grants.

Trademark laws provide an economic benefit by preventing product confusion among consumers, identifying the skill and integrity of the seller, and protecting against unfair competition. The Office examines applications for trademark registration and grants the protection of a federal registration to trademark owners.

The PTO is a bureau of the U. S. Department of Commerce and is located in the Crystal City office complex in Arlington, Virginia.

FINANCIAL AFFAIRS

Operating Costs

During fiscal year 1980 the cost of operating the PTO went up while the number of people employed by the Office went down.

* This report summarizes the activities of the United States Patent and Trademark Office (the "PTO") during its 1980 fiscal year—October 1, 1979 through September 30, 1980. All references to a specific year are to a fiscal year, unless noted otherwise.

Total operating costs on an accrual basis climbed by 7.8 percent to $103,748,000; an increase without adjustment for inflation of about $7.5 million over FY 1979. Compensation and benefits accounted for 74 percent of this total, printing of patents and patent and trademark information used 11 percent and other costs came to 15 percent. Roughly 73 percent of operating costs were allocable to patent processing, 20 percent to dissemination of patent and trademark information, and 6 percent to trademark processing.

Total Congressional appropriations for the Office rose by more than $8 million in FY 1980, a budget increase after adjusting for inflation of $32,000, reversing a three-year trend of declining real dollar appropriations for the Office. The increases went to the areas of trademark examination, data and document retrieval, and to the Scientific Library, while funding declined for automatic data processing, administrative services, patent and trademark services, publication services, quality review, patent clerical staff, the Board of Appeals, the Board of Patent Interferences and patent and trademark printing.

Total personnel staffing in the Office declined in FY 1980. Total staff numbered 2,583, which was 120 fewer people than in FY 1979 and 504 fewer than in FY 1974.

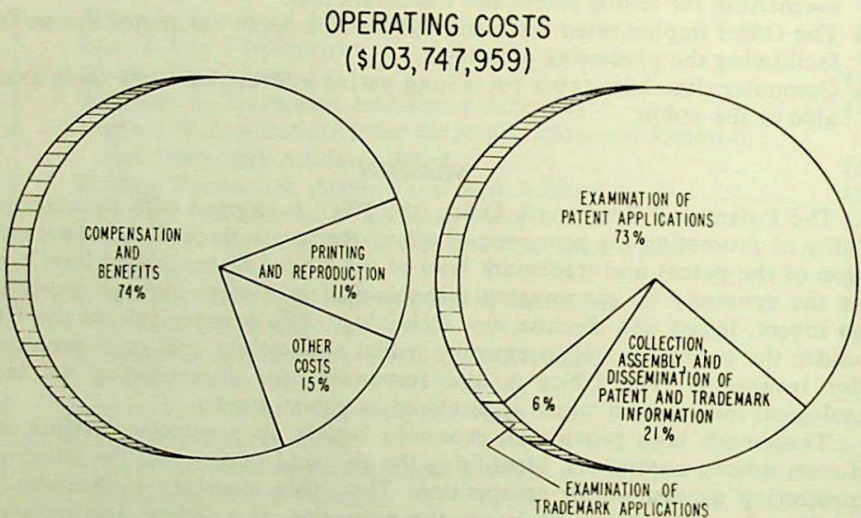


FIGURE 1

Fee Income

Twenty-six percent of the cost of running the PTO was recovered in fees charged to users of PTO services, especially patent and trademark applicants. Income from these fees, which amounted to over $27 million in FY 1980, is currently deposited in the General Fund of the U. S. Treasury and does not directly benefit the Office. In early FY 1981, Congress passed a law changing the fee structure and disposition of these funds.

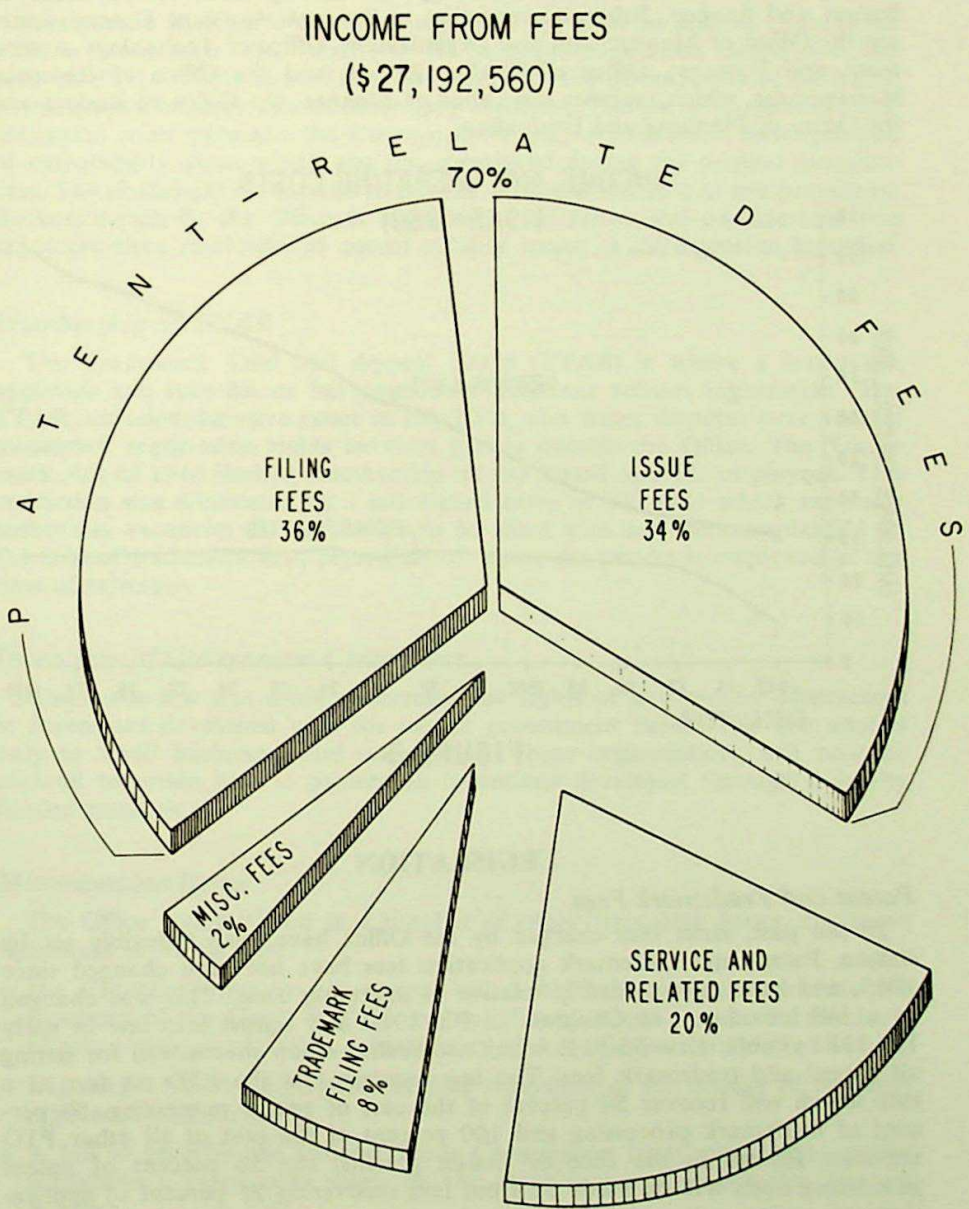


FIGURE 2

Reorganization

The PTO underwent a major reorganization in FY 1980 with the establishment of an Assistant Commissioner for Finance and Planning who is assigned responsibility for all planning and management in the areas of budget and finance. Sub-units reporting to the new Assistant Commissioner are the Office of Management and Organization, Office of Technology Assessment and Forecast, Office of Quality Review and the Office of Resource Management, which includes the Office of Finance, the Office of Budget and the Office of Planning and Evaluation.

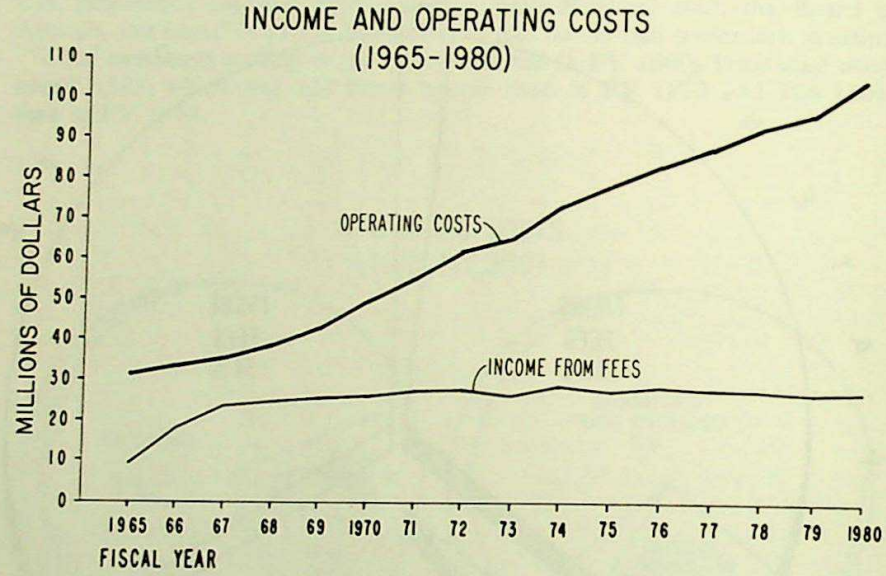


FIGURE 3

LEGISLATION

Patent and Trademark Fees

In the past, most fees charged by the Office have been inflexibly set by statute. Patent and trademark application fees have not been changed since 1965, and have fallen steadily relative to operating costs. This was changed by a bill introduced in Congress in FY 1980 and signed into law in early FY 1981 (Public Law 96-517) which establishes a new mechanism for setting all patent and trademark fees. The law requires that the PTO set fees at a rate which will recover 50 percent of the cost of patent processing, 50 percent of trademark processing and 100 percent of the cost of all other PTO services. Except in the case of design patents, the 50 percent of patent processing costs will be made up from fees recovering 25 percent of application processing costs and 25 percent of maintenance costs. For design patents, the entire 50 percent will be recovered from the cost of processing the application from filing through final disposition. Fees can be adjusted as often as every three years to insure that the prescribed rates are maintained. Revenues

from the fees are to be credited to the PTO's own Congressional Appropriations Account rather than sent to the General Fund and will be available to the PTO to the extent provided for in appropriations acts. The initial fee adjustments will take effect no later than FY 1983.

Reexamination

Any person wishing to challenge a patent will soon be able to request the PTO to "reexamine" the validity of its issuance. Legislation signed into law early in FY 1981 allows the Office to reconsider the patentability of an issued patent on the basis of new documentary evidence. The party requesting reexamination must persuade the Commissioner that a substantial new question of patentability exists which was not considered during the original examination. The challenger is required to pay the PTO the full cost of the procedure. Reexamination by the Office is expected to be faster and considerably less expensive than resolution of patent validity issues in infringement litigation.

Membership on TTAB

The Trademark Trial and Appeal Board (TTAB) is where a trademark applicant can take his or her case if an examiner refuses registration. The TTAB, an administrative court in the PTO, also hears disputes over federal trademark registration rights between parties outside the Office. The Trademark Act of 1946 limited membership on the Board to PTO employees. This restriction was eliminated by a law signed early in FY 1981 which expressly authorizes vacancies on the Board to be filled with any person qualified in the field of trademark law, regardless of where the person is employed at the time of selection.

Inventions of Government Contractors

Also made law was a bill concerning the rights of government contractors to inventions developed with the use of government funds. The law applies only to small businesses and universities. These organizations will now be allowed to retain title to patents on inventions developed through federally funded research.

Miscellaneous Items

The Office was involved in a number of other legislative issues, the more significant of which were:

- the Federal Courts Improvement Act, a bill which would combine the functions of the Court of Customs and Patent Appeals with the functions of other courts and create a new Court of Appeals for the Federal Circuit;
- Legislation which would prohibit state regulation of the display of federally registered trademarks.
- A bill to prohibit the Federal Trade Commission from applying to cancel a trademark registration solely on the grounds that the mark has become generic;
- Legislation to improve the administration of the patent and trademark laws by establishing the PTO as an independent agency;
- A bill to provide for the protection of ornamental designs of useful articles.

INTERNATIONAL COOPERATION

The Patent and Trademark Office pursues its responsibility of promoting the national economy on the international as well as on domestic fronts by working for effective patent and trademark protection throughout the world. The Office's efforts in this area are directed toward the development of simpler, less expensive, and more effective means for U. S. nationals to secure and protect their industrial property rights.

Revision of the Paris Convention

Patents and trademarks are generally effective only in the country which issues the grant or the registration. If the owner of a patent or a trademark desires protection in several countries, such protection must usually be obtained in each of them separately. To make it easier to obtain protection across international borders, 13 countries joined together almost a century ago to establish the Paris Convention for the Protection of Industrial Property. The convention came into effect in 1884, and the United States has been a party to it since 1887. The original Paris Convention has expanded its membership considerably and has been revised several times. Today there are 90 members of the Paris Convention. The most recent revised text was adopted at Stockholm in 1967.

A Diplomatic Conference to revise the Convention was held from February 4 through March 4, 1980. Unfortunately, the Conference bogged down in a dispute over voting rules which finally were adopted over the objection of the United States. The disagreement centered on whether revision of the Convention must be approved by a unanimous vote of all the members, as every previous revision had been, or whether something less than a unanimous vote could be used to revise the Convention.

At the heart of the voting rules dispute are several proposals likely to be adopted on the voting strength of third world membership. The United States is concerned that some of the proposed measures could undermine the industrial property rights of developed nations and deter rather than facilitate the transfer of technology to developing countries. One such proposal would permit compulsory exclusive licensing of patents which are not worked within a specified period in the country granting the patent.

Other proposals before the Convention include: preferential treatment for nationals of developing countries regarding fees and the "priority period" of applications; more protection for geographical names; and further accommodation of "inventors' certificates" into the Paris Convention.

A second session of the Diplomatic Conference is scheduled for the fall of 1981 in Nairobi, Kenya.

The Budapest Treaty

The United States, Hungary, Bulgaria, France and Japan became the initial members of the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Protection. The Budapest Treaty permits an applicant for a patent on a microbiological invention to utilize a single international depository among various designated depositories when filing patent applications in any member country, eliminating the need to make more than one microbiological deposit to obtain patents in the member countries.

The Treaty became effective August 19, 1980. The United States has designated the American Type Culture Collection in Rockville, Maryland and the Agricultural Research Culture Collection in Peoria, Illinois as depositories under the treaty.

Other International Activities

The PTO, in cooperation with the Departments of State and Commerce:

- Participated in negotiations for developing an International Code of Conduct on the Transfer of Technology, under the auspices of the United Nations Conference on Trade and Development;
- Received representatives from China, Ghana, Lesotho, Sri Lanka, Malaysia, and Taiwan for training and briefing on the operations of the PTO;
- Continued its cooperation with the Brazilian Patent Office by sending office personnel to Brazil to serve as patent instructors;
- Received officials from the Peoples Republic of China interested in studying our patent system and returned visits in a joint project with the Licensing Executives Society to study their system for the sale and licensing of patents and technology; and
- Continued its participation in efforts towards U.S. ratification of the Trademark Registration Treaty (TRT). The treaty will help secure the effects of registration in member countries by the filing of a single international application. It also establishes an international trademark register and registrations. The treaty has been adopted by Gabon, Togo, Upper Volta, the Congo and the U.S.S.R.

The Patent Cooperation Treaty

The Office entered its third year as a receiving office under the Patent Cooperation Treaty (PCT). The PCT is an international agreement which permits an inventor or a business to file an application in the United States with the same effect as an application in as many member countries of the PCT as are designated. In fiscal year 1980, the Office received 1,647 international applications, an increase of 59 percent over the previous year. Under PCT, the Patent and Trademark Office also serves as an "International Searching Authority" for international applications filed in the United States and Brazil. In this capacity, the PTO completed 1,442 international search reports during FY 1980. The PTO also received notification that it had been "designated" in 2,027 international applications filed in other PCT "receiving Offices" around the world.

By the end of FY 1980, 30 countries had become members of the PCT.

SUPREME COURT

In a decision which received widespread publicity, the Supreme Court ruled in *Diamond v. Chakrabarty* that the present patent law authorizes the granting of a patent on a living microorganism which the inventor had developed through genetic engineering techniques. This area of the biotechnologies has expanded rapidly in recent years. The decision is seen to have potentially far-reaching consequences for the industry and for the PTO.

The question of patentability of computer programs under the present patent law continued to be a problem for the Patent and Trademark Office. The question was taken to the Supreme Court on petitions for a writ of certiorari in four cases in FY 1980. In two cases, *Diamond v. Bradley*, and *Diamond v. Diehr*, the Supreme Court granted certiorari to consider the question again. The Court has been asked to dispose of the other two cases, *Diamond v. Sherwood* and *Diamond v. Hirschfeld*, in accordance with the decisions in *Bradley* and *Diehr*.

Table 1.—OPERATING COSTS

(In Thousands of Dollars)

	1978	1979	1980*
OPERATING UNITS			
Patent Process	$56,109	$58,374	$75,147
Trademark Process	4,550	4,547	6,643
Information Dissemination	32,052	33,308	21,958
Total Operating Units Costs	92,711	96,229	103,748
SALARIES AND EXPENSES			
Personnel Compensation	63,211	65,583	70,238
Personnel Benefits	5,964	6,181	6,259
Printing and Reproduction	10,988	11,394	11,619
Other Costs	12,548	13,071	15,632
Total Salaries and Expenses	$92,711	$96,229	$103,748

*Several changes were made in reporting costs for FY 1980. Most significant was a shift of printing costs from Information Dissemination to the Patent Process and Trademark Process totaling $11,619,000.

Table 2.—TOTAL CONGRESSIONAL APPROPRIATIONS [1] (Fiscal Years 1971-80)

FISCAL YEAR	TOTAL ACTUAL APPROPRIATION (Including Supplemental Appropriations [2])	APPROPRIATION CHANGES [3]
1971	56,094	+1,427
1972	62,372	+ 951
1973	67,280	+1,247
1974	71,982	+ 921
1975	77,566	− 446
1976 [4]	85,350	+1,624
1977 [4]	89,400	−1,497
1978	94,321	−1,458
1979	96,654	−1,692
1980	104,833	+ 32

[1] In Thousands of Dollars.

[2] "Supplemental Appropriations" are the Funding Approved by the Congress to be Added to the PTO's Regular Appropriation to Cover Certain Changed Circumstances—Most Commonly Pay Increases.

[3] "Appropriation Changes" Represent the Changes in Funding Level from the Previous Fiscal Year after Pay Increases and Other Uncontrollable Cost Increases have been taken into Account.

[4] The Transition Quarter, July 1, 1976 to September 30, 1976, has been Omitted.

Table 3.—END OF YEAR EMPLOYMENT[1] (1978-80)

	1978	1979	1980
OPERATING UNITS[2]			
Collection, Assembly and Dissemination of Patent and Trademark Information	823	788	697
Examination of Patent Applications	1,795	1,719	1,671
Examination of Trademark Applications	173	196	215
Total Operating Units Employment	2,791	2,703	2,583
PERSONNEL STAFFING			
Patent Professional	1,064	995	949
Trademark Professional	68	79	88
All Others	1,659	1,629	1,546
Total Personnel Staffing	2,791	2,703	2,583

[1] Total paid employment, including full time permanent and others.
[2] The makeup of the PTO activities was changed in the FY 1980 reorganization.

Table 4.—INCOME FROM FEES

(In Thousands of Dollars)

SOURCE OF INCOME	1978	1979	1980
PATENT-RELATED FEES			
Filing Fees			
Patent Applications	$8,948	$8,861	$9,400
Design Applications	150	149	152
Patent Reissue Applications	56	56	52
Disclosure Documents	106	98	98
Issue Fees			
Patent	9,978	9,166	8,905
Design	114	103	122
PCT Application & Search Fees	24	178	297
Disclaimers	27	27	24
Attorney Registration & Certificates	37	43	36
Total Patent-Related Fees	19,440	18,681	19,086
TRADEMARK-RELATED FEES			
Filing Fees			
Applications	1,706	1,738	1,829
Oppositions & Cancellations	61	47	40
Renewals	142	158	166
Use/Non-Use Affidavits	146	154	164
Total Trademark-Related Fees	2,055	2,097	2,199
SERVICE AND RELATED FEES			
Appeals, including briefs	884	715	729
Certificates of Correction	37	43	38
Certification of Records	113	105	101
Making, Mounting, Correcting and Comparing Drawings	232	237	236
Petitions	41	40	38
Printed Copies	1,749	1,707	1,597
Recording Assignments	1,563	1,556	1,653
Reproduction of Records	1,345	887	753
Special Services on Orders	150	160	187
Subscription Service for Copies	23	21	19
Total Services and Related Fees	6,137	5,471	5,351
MISCELLANEOUS OTHER FEES	90	862	556
TOTAL INCOME FROM FEES	$27,722	$27,111	$27,192

TRADEMARKS

Trademark Applications

Applications for trademarks continued their rise by increasing 2.9 percent to 52,149 total filings. Foreign filings contributed a significant portion of the increase, rising from 4,806 in FY 1979 to 5,329 in FY 1980, up nearly eleven percent and comprising over ten percent of total trademark applications. This is seen as an indication that foreign businesses are ever more interested in extending protection for their brand names to the U. S. market.

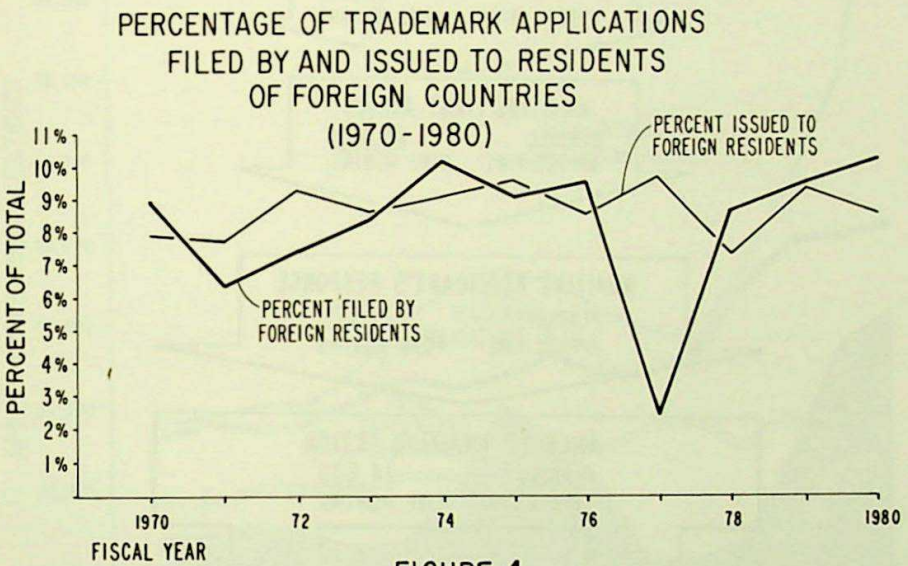


FIGURE 4

Trademark Registrations

Trademark registrations fell sharply for the second straight year to 16,366. The decrease is attributable to, among other things, problems in printing marks for opposition in the *Official Gazette,* a freeze on hiring of clerical staff and the need to train an unusually large number of new examiners. However, the number of first actions produced rose from 31,305 in FY 1979 to 49,032 in FY 1980, a 57 percent increase. This means the number of disposals is likely to increase in 1981.

Trademark Pendency

The average time from the filing of an application to its registration or abandonment rose from under 18 months in FY 1979 to nearly 25 months in FY 1980. The interval between the time the applicant files and the Office's first action on the application rose from 10.2 months to 11.5 months. The total number of trademark cases in the Office rose to 110,966, a 33 percent increase over the FY 1979 level of 83,490.

The Office took an important step toward reducing pendency by hiring a number of trademark examining attorneys. During FY 1980, the Trademark Examining Operation maintained an average of 66 examiners, as compared to an average of 47 for the previous fiscal year. The PTO plans to hire additional examiners and clerks in 1981.

TRADEMARK PROCESS AND PENDENCY*

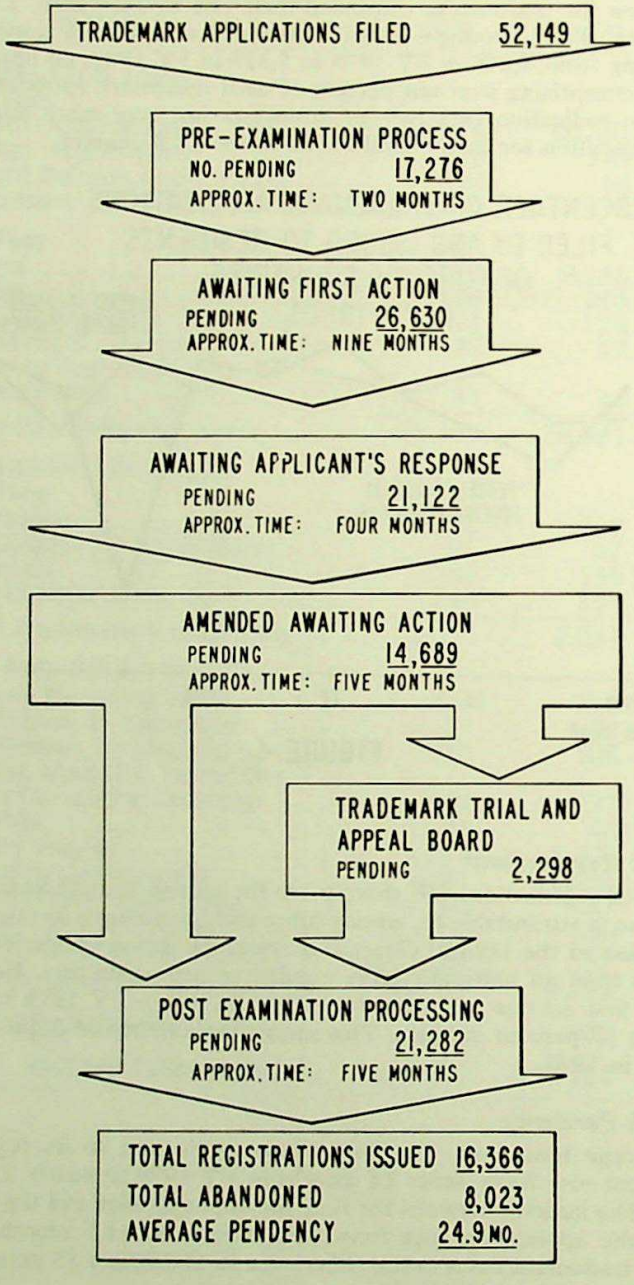
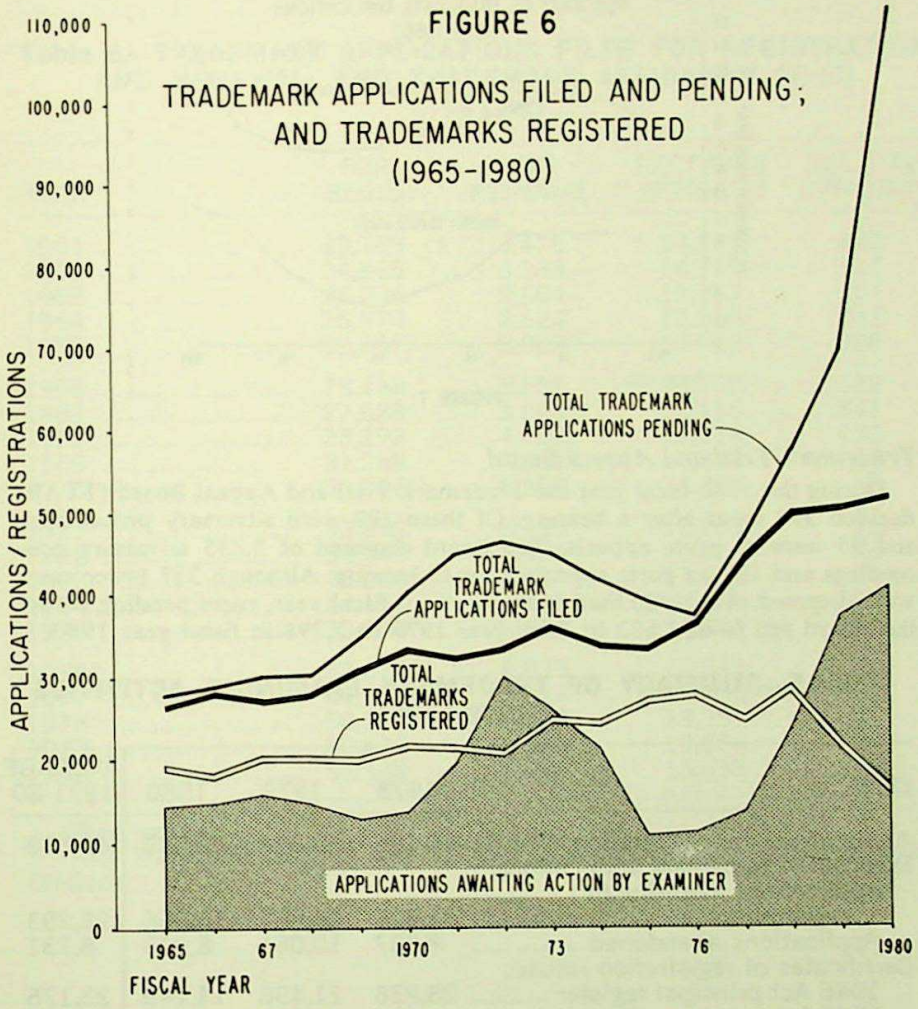


FIGURE 5

* This figure presents a simplified trademark work-flow diagram with statistics on cases at various stages of processing at the end of FY 1980.

FIGURE 6

TRADEMARK APPLICATIONS FILED AND PENDING; AND TRADEMARKS REGISTERED (1965-1980)



Trademark Automation

The automation of trademark processing was still in the planning stages at the close of FY 1980. The Office continued work on studies to identify the types of information required by the Trademark Operation and began the design of an automated system for the retrieval of data on trademark applications and registrations, and for trademark printing.

Trademark Search Room

The Trademark Search Room contains records of registered trademarks and trademark applications, and is used by both office employees and the public. For the first time in several years the Trademark Examining Operation purged the Search Room pending files of applications that have either become abandoned or matured into registrations. The Search Room staff also completed a purge of expired design registrations and nearly completed a purge of expired trademark registrations of all categories.

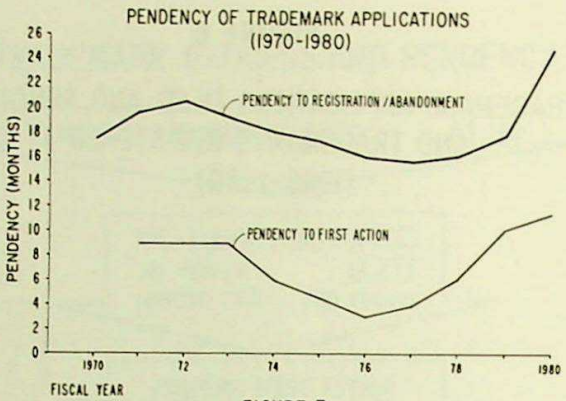


FIGURE 7

Trademark Trial and Appeal Board

During the 1980 fiscal year the Trademark Trial and Appeal Board (TTAB) decided 394 cases after a hearing. Of these 299 were adversary proceedings and 95 were *ex parte* appeals. The Board disposed of 1,235 adversary proceedings and 131 *ex parte* appeals prior to hearing. Although 357 fewer cases were disposed of in 1980 than in the previous fiscal year, cases pending before the Board fell from 2,622 in fiscal year 1979 to 2,298 in fiscal year 1980.

Table 5.—SUMMARY OF TRADEMARK EXAMINING ACTIVITIES (1978-1980)

ITEM	1978	1979	1980	AVERAGE 1971-80
Applications for registration filed	50,106	50,672	52,149	40,538
Disposal of trademark applications:				
Applications maturing to registration	31,623	24,961	16,366	26,293
Applications abandoned	8,287	10,061	8,023	8,731
Certificates of registration issued:				
1946 Act principal register	28,236	21,496	14,149	23,175
1946 Act supplemental register	685	714	465	765
Total	28,921	22,210	14,614	23,940
Renewal of registration:				
Applications filed	5,567	5,623	5,892	5,887
Applications abandoned	52	32	35	59
Registrations renewed	5,254	5,404	5,862	5,876
Affidavits, Sec. 8:				
Affidavits filed	13,351	13,864	13,633	13,700
Affidavits disposed	9,681	7,560	11,332	11,822
Affidavits for benefits under Sec. 12(c):				
Affidavits filed	77	10	85	51
Affidavits abandoned	0	3	0	1
Published under Sec. 12(c)	84	34	54	57
Pendency of average trademark application [1] between filing and examiner's first action	6.0	10.2	11.5	6.4 [2]
Between filing and registration/ abandon	16.2	17.9	24.9	18.4

[1] Average pendency in months.

[2] Average for 1975 to 1980 only.

Table 6.—TRADEMARK APPLICATIONS FILED FOR REGISTRATION AND RENEWAL; AND TRADEMARK AFFIDAVITS FILED (1961-80)

YEAR	FOR REGIS.	FOR RENEWAL	SECTION 8 AFFIDAVIT	SEC. 12(c) AFFIDAVIT
1961	23,169	3,476	14,581	423
1962	24,866	3,138	14,720	337
1963	24,224	2,604	12,752	311
1964	25,574	2,824	12,055	261
1965	26,657	3,049	13,923	308
1966	28,438	3,695	13,705	518
1967	27,628	3,844	11,156	341
1968	28,292	4,089	12,116	231
1969	31,268	6,267	13,890	90
1970	33,807	6,329	14,283	59
1971	32,803	6,189	12,263	76
1972	33,741	5,980	13,256	46
1973	36,204 [1]	5,614	13,605	74
1974	34,193	5,633	13,259	55
1975	33,898	5,687	14,644	29
1976 [2]	37,074	6,833	15,665	24
1977 [2]	44,539	5,854	13,463	30
1978	50,106	5,567	13,351	77
1979	50,672	5,623	13,864	10
1980	52,149	5,892	13,633	85

[1] Revised.
[2] The Transition Quarter, July 1, 1976 to September 30, 1976, has been Omitted.

Table 7.—SUMMARY OF PENDING TRADEMARK APPLICATIONS AND TRADEMARK AFFIDAVITS (As of September 30, 1980)

STAGE OF PROCESSING	APPLICATIONS FOR REGIS.	APPLICATIONS FOR RENEWAL	AFFIDAVITS UNDER SECT. 8	AFFIDAVITS SECT. 12(c)
IN PRE-EXAMINATION PROCESSING	17,276	.....	.....	..
UNDER EXAMINATION				
Amended, Awaiting Action by Examiner	14,689	0	0	0
Awaiting First Action by Examiner	26,630	297	876	8
Awaiting Subsequent Action (By Applicant, on Appeal, in Adversary Proceedings, in Clerical Processing)	31,089	635	1,924	8
Total Under Examination	72,408	932	2,800	8
Total	89,684	932	2,800	8
IN POST-EXAMINATION PROCESSING (Includes All Applications in All Phases of Publication and Issue)	21,282	1,669	0	10
TOTAL IN PATENT AND TRADEMARK OFFICE	110,966	2,601	2,800	18

Table 8.—SUMMARY OF CONTESTED TRADEMARK CASES (Within The Patent And Trademark Office)

TRADEMARK TRIAL AND APPEAL BOARD	EX PARTE	CANCEL	CONC. USE	INTER	OPPOS.	TOTAL
Receipts						
Cases Pending as of 9/30/79	229	563	32	0	1,798	2,622
Cases Filed During FY 1979	190	293	12	0	941	1,436
Total Receipts	419	856	44	0	2,739	4,058
Disposals	226	340	20	0	1,174	1,760
Total Cases Pending as of 9/30/79	193	516	24	0	1,565	2,298

Table 9.—TRADEMARKS REGISTERED, RENEWED, AND PUBLISHED UNDER SECTION 12(c)[1] (1961-80)

YEAR	REGISTERED	RENEWED	PUBLISHED UNDER 12(c)
1961	17,406	3,749	451
1962	15,909	3,071	331
1963	18,266	2,450	322
1964	20,689	2,834	329
1965	19,452	2,870	336
1966	18,671	3,441	497
1967	20,604	3,820	403
1968	20,385	3,726	290
1969	20,306	5,442	182
1970	21,974	6,370	103
1971	21,686	6,380	112
1972	21,062	5,836	56
1973	25,432	5,398	69
1974	24,838	5,984	54
1975	27,324	5,474	25
1976[2]	28,102	6,914	56
1977[2]	25,026	6,251	21
1978	28,921	5,254	84
1979	22,210	5,404	34
1980	14,614	5,862	54

[1] Includes Withdrawn Numbers.
[2] The Transition Quarter, July 1, 1976 to September 30, 1976, has been Omitted.

Table 10.—UNITED STATES TRADEMARK APPLICATIONS Filed by Residents of Foreign Countries (1978-80)

COUNTRY	1978	1979	1980
Albania	1	0	0
Algeria	0	1	0
Andorra	0	1	0
Argentina	20	20	43
Australia	110	130	109
Austria	53	36	50
Bahamas	3	3	0
Belgium	43	37	19
Bermuda	5	4	19
Brazil	46	43	23
Br. Virgin Islands	0	0	4
Bulgaria	1	0	0
Canada	632	797	702
Cayman Islands	0	0	4
Chile	6	4	0

Table 10.—UNITED STATES TRADEMARK APPLICATIONS Filed by Residents of Foreign Countries (1978-80)—Continued

COUNTRY	1978	1979	1980
China, Peoples Rep. of	15	0	19
Colombia	7	6	12
Costa Rica	2	2	0
Cuba	1	1	0
Czechoslovakia	6	7	0
Denmark	58	57	85
Dominica	0	0	4
Dominican Rep.	1	3	0
El Salvador	0	1	0
Finland	40	27	19
France	516	567	803
Germany, Dem. Rep. of	1	0	0
Germany, Fed. Rep. of	676	671	833
Greece	7	5	0
Guam	2	0	0
Guatemala	1	0	4
Guyana	0	5	0
Honduras	0	2	0
Hong Kong	59	71	105
Hungary	2	0	12
India	4	7	12
Indonesia	1	1	0
Iran	1	8	0
Ireland	9	18	8
Israel	15	37	27
Italy	324	333	365
Jamaica	1	5	0
Japan	414	445	469
Kenya	0	2	0
Korea, Rep. of	11	9	0
Kuwait	1	1	0
Lebanon	3	1	0
Liberia	0	3	0
Liechtenstein	13	21	31
Luxembourg	3	6	0
Madagascar	0	2	4
Malaysia	1	1	0
Mexico	61	46	62
Monaco	4	5	0
Nauru	1	0	0
Netherlands	99	89	109
Netherlands Antilles	0	0	4
New Zealand	35	38	50
Nicaragua	0	0	12
Niger	0	3	4

Table 10.—UNITED STATES TRADEMARK APPLICATIONS Filed by Residents of Foreign Countries (1978-80)—Continued

COUNTRY	1978	1979	1980
Norway	23	23	16
Panama	13	13	8
Paracel Islands	0	1	0
Paraguay	0	0	16
Peru	3	6	0
Philippines	6	6	4
Poland	0	2	8
Portugal	18	15	16
Rhodesia	0	1	0
Romania	4	4	0
Rwanda	0	1	0
San Marino	1	0	0
Saudi Arabia	1	1	0
Sierra Leone	0	1	0
Singapore	7	13	0
S. Africa	33	29	0
Soviet Union	6	5	35
Spain	96	100	159
Swaziland	1	3	0
Sweden	110	129	167
Switzerland	181	243	268
Taiwan	7	40	31
Thailand	1	1	12
Trindidad & Tobago	0	1	12
Turkey	1	0	0
Uganda	0	1	0
United Kingdom	531	582	547
Venezuela	5	2	4
Yugoslavia	1	1	0
Zaire	1	0	0
Total	4,365	4,806	5,329

Table 11.—TRADEMARKS REGISTERED BY THE UNITED STATES TO RESIDENTS OF FOREIGN COUNTRIES (1978-80)

COUNTRY	1978	1979	1980
Argentina	9	6	4
Australia	48	38	29
Austria	14	28	20
Bahamas	1	0	0
Belgium	27	22	11
Bermuda	1	0	0
Brazil	15	17	9
Canada	257	257	180
Chile	1	0	1
China, Peoples Rep. of	2	3	3
Colombia	1	3	1
Costa Rica	1	0	0
Czechoslovakia	2	3	3
Denmark	38	32	14
El Salvador	1	2	0
Finland	11	13	15
France	283	248	174
Germany, Fed. Rep. of	336	345	223
Greece	4	1	1
Hong Kong	31	31	19
Hungary	1	1	0
Iceland	1	2	0
India	4	1	0
Ireland	9	10	2
Israel	7	6	3
Italy	130	137	98
Jamaica	0	1	0
Japan	247	231	137
Korea, Rep. of	1	11	3
Kuwait	0	0	1
Lebanon	0	0	1
Liechstenstein	11	5	3
Luxembourg	1	0	1
Mexico	28	35	20
Monaco	1	0	1
Netherlands	44	70	21
New Zealand	7	6	8
Norway	11	5	5
Panama	1	1	1
Peru	0	2	0
Philippines	0	1	0
Poland	3	0	0
Portugal	5	8	2
Romania	0	1	0
Saudi Arabia	0	0	2

Table 11.—TRADEMARKS REGISTERED BY THE UNITED STATES TO RESIDENTS OF FOREIGN COUNTRIES (1978-80)—Continued

COUNTRY	1978	1979	1980
Singapore	0	0	1
South Africa	12	20	7
Soviet Union	0	7	1
Spain	79	58	46
Sweden	68	55	40
Switzerland	123	109	66
Taiwan	0	1	2
Thailand	0	1	0
Turkey	0	1	0
United Kingdom	281	263	144
Venezuela	2	4	0
Yugoslavia	3	1	0
Total	2,163	2,103	1,323

PATENTS

Patent Applications

The number of patent applications filed in the PTO often is regarded as a barometer of the country's future economic well-being. Increased numbers of patent filings tend to reflect progress in the industrial innovation and technological advancement which leads to improved productivity. If figures on patent filings foretell the economic future, the PTO had some good news and some not-so-good news during 1980.

The good news was that patent applications set an all-time record in the 1980 fiscal year with a total of 112,315 filings, an increase of 4,906 over FY 1979 and almost a five percent gain. Applications excluding designs also set a record of 105,046, an increase of 4,703 filings. This was the first significant year-to-year increase since 1971 and broke above the 1969-1979 filing range.

The not-so-good news was that although U. S. origin patent applications did increase by 1,878 or 2.8 percent, they failed to keep pace with foreign origin patent filings which registered an increase of 3,028 or 7.4 percent.

The ratio of foreign to U. S. filings has steadily increased over the years and set an all-time high of its own in FY 1980. Thirty-nine percent of all patent applications last year were filed by foreign residents, up from thirty-eight percent in FY 1979.

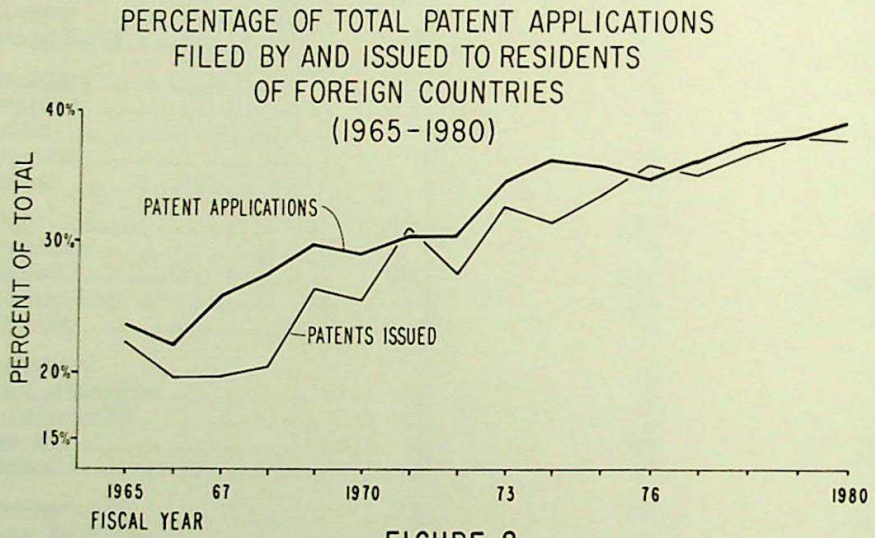


FIGURE 8

Patents Issued

The total number of patents issued by the Office increased substantially in FY 1980 to 61,227—up 10.5 percent above the FY 1979 figure. The increase was caused primarily by the Office working off a backlog of unprinted cases. A large share of the increase went to foreign residents who received 2,058 more patents in FY 1980 than in FY 1979, but the foreign share of patents changed little—37.7 percent of the total in FY 1980 compared with 38.0 in FY 1979.

PATENT PROCESS AND PENDENCY*

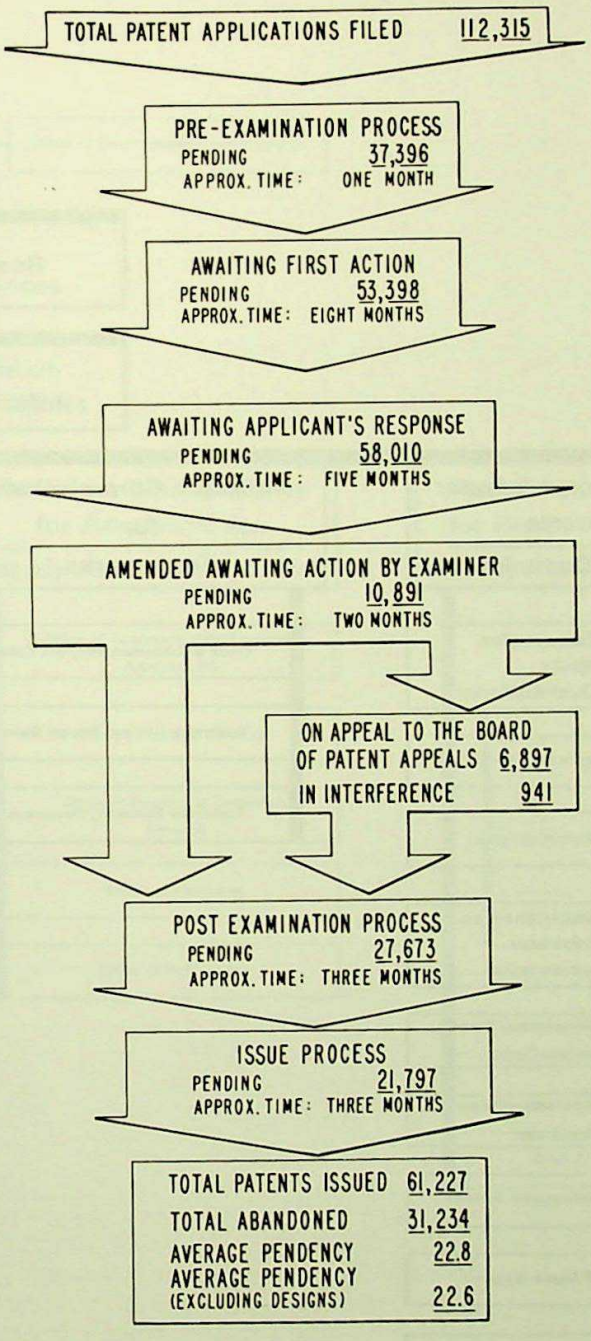


FIGURE 9

* This figure presents a simplified patent work-flow diagram with statistics on cases at various stages of processing at the end of FY 1980.

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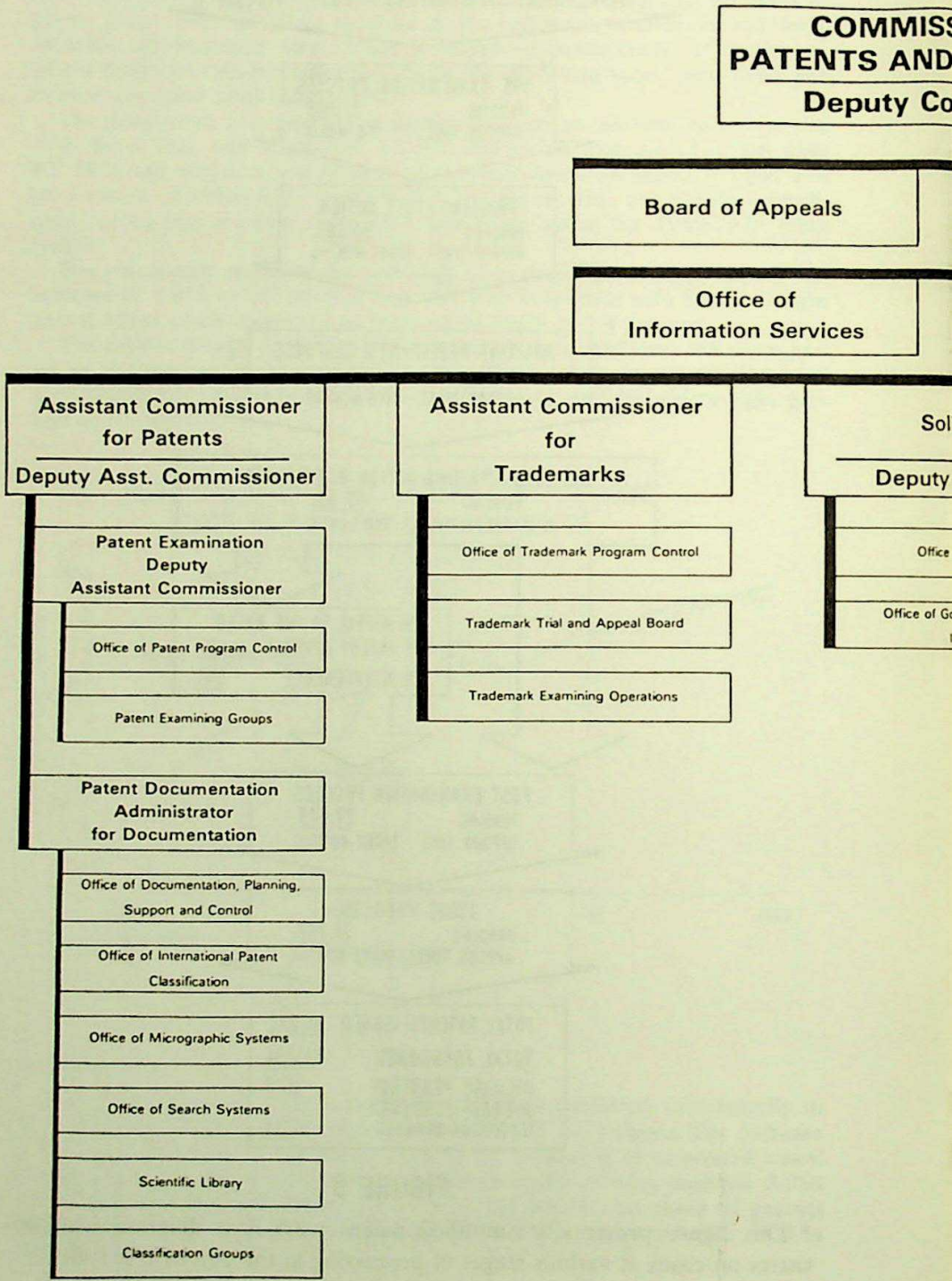

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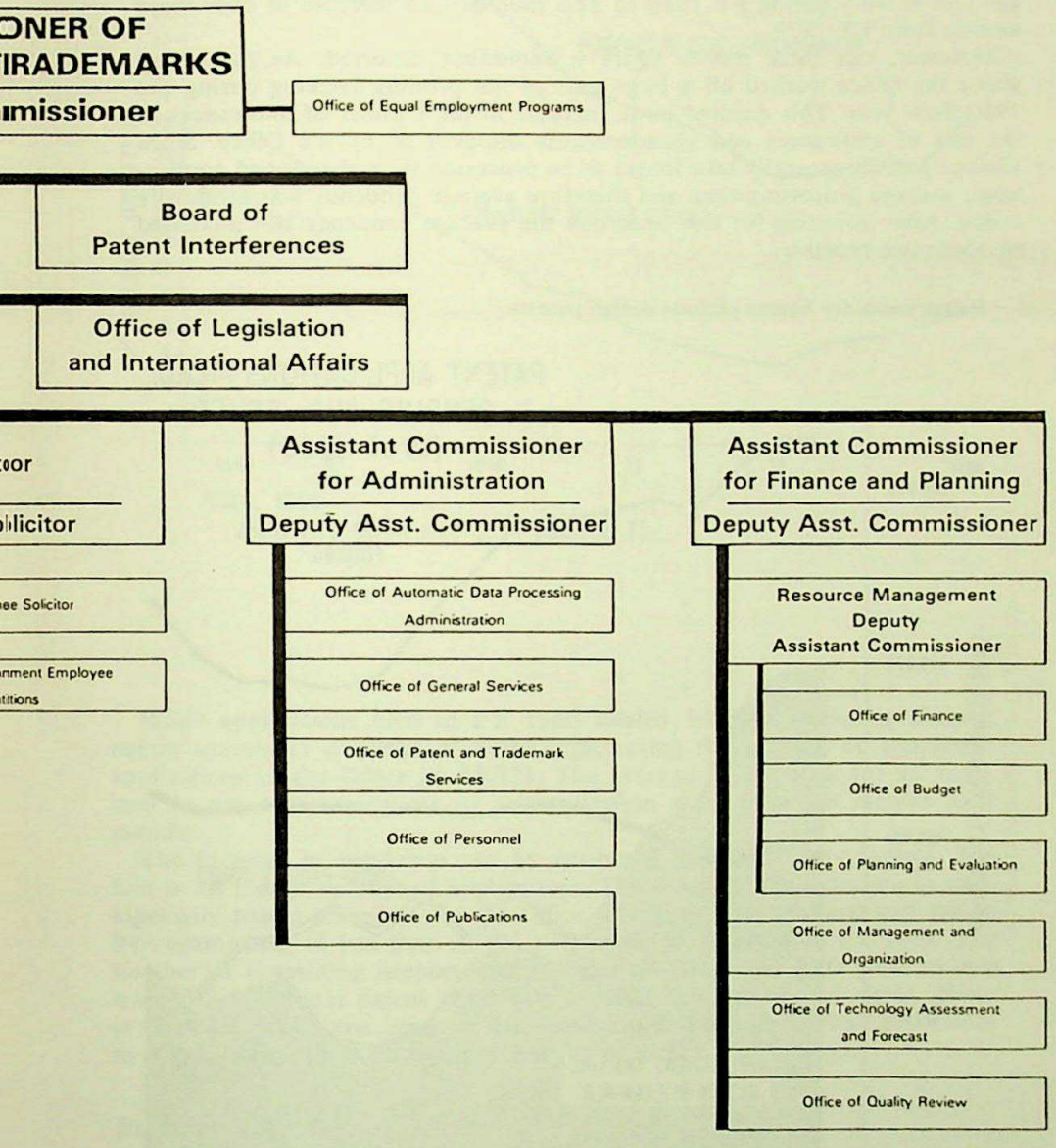

JULY 8, 1980

Patent Pendency

The time it takes for an average patent application to be processed from filing to issue or abandonment is called "average patent pendency". This average rose sharply during FY 1980 to 22.6 months[1], an increase of over three months from FY 1979.

However, this three month figure is somewhat distorted. As mentioned above the Office worked off a large part of the printing backlog during the 1980 fiscal year. This resulted in an increase in the number of allowances in the mix of allowances and abandonments disposed of by the Office. Since allowed patents generally take longer to be processed than abandoned applications, average processing time and therefore average pendency was artificially raised. After adjusting for this distortion the average pendency still increased by about two months.

[1] Patent pendency figures exclude design patents.

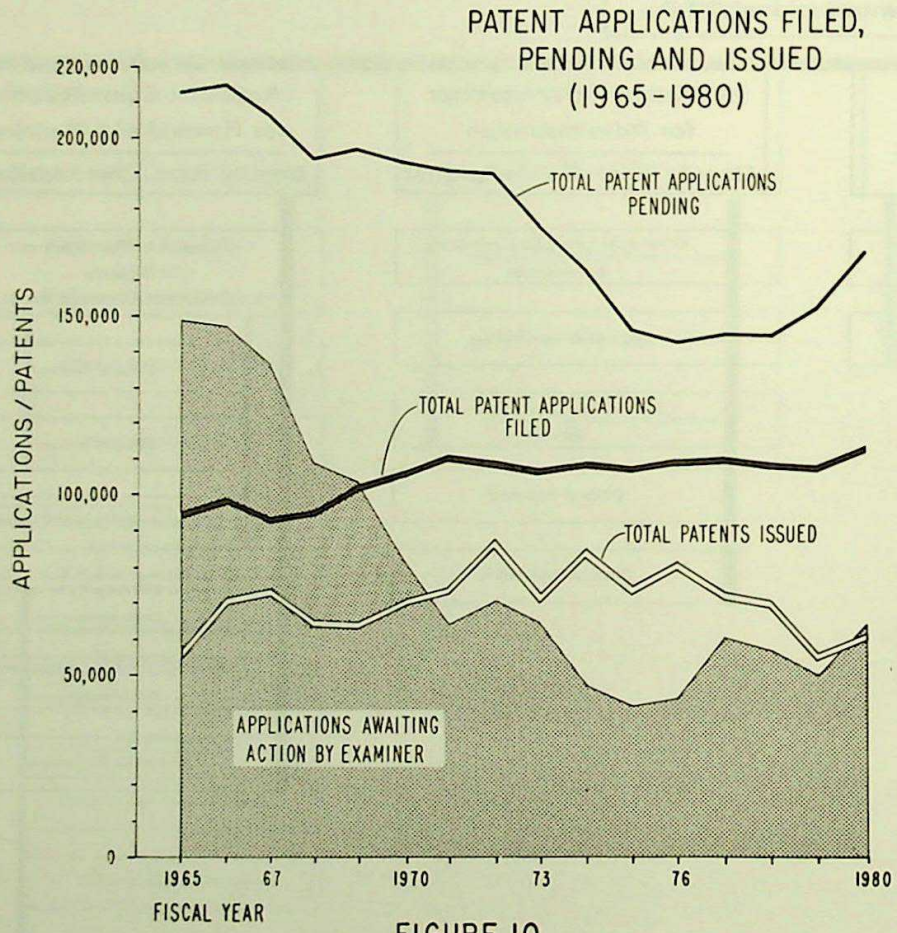

FIGURE 10

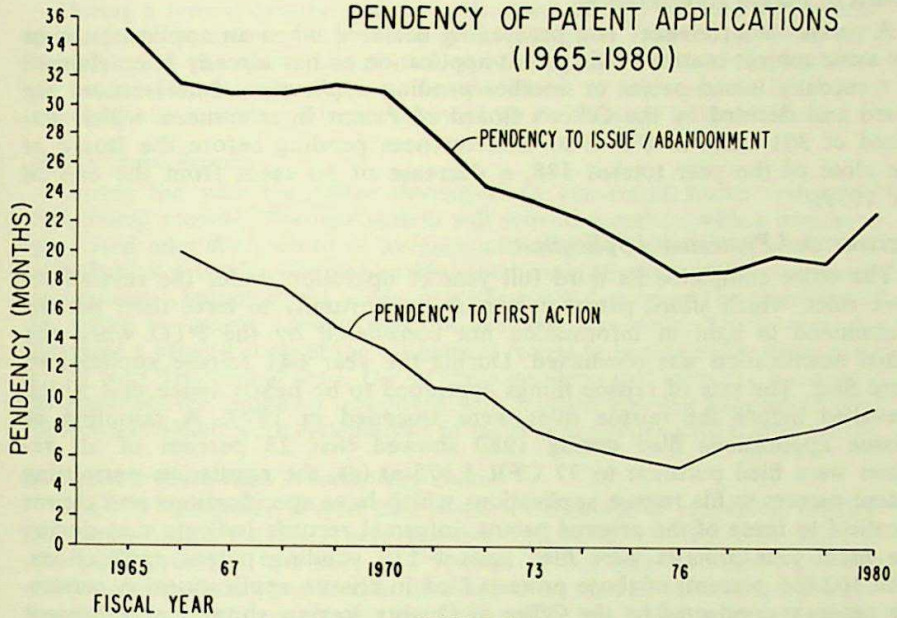

FIGURE II

While applications filed in FY 1980 totaled 105,046, excluding designs, patent examiners disposed of 89,717, increasing the backlog of non-design applications in the Office by 15,329. The average time it took for an applicant to get a first response to an application went from 7.8 months to 9 months.

The increase in pendency can be attributed to two primary factors. The first is the rise in number of applications. The second is the reduction in staff, especially patent examiners in the Office. The patent professional staff fell to 949 examiners, 46 less than in FY 1979 and 115 less than in FY 1978. The number of examining support staff has also declined. The PTO plans to hire over 100 additional patent examiners in 1981, plus additional clerks. However, it will take some time for the new examiners to gain enough experience to help significantly in stemming the rising pendency.

Board of Appeals

The Board of Appeals is responsible for hearing appeals from adverse decisions of examiners on patent applications. The Board received 3,411 appeals during the year and disposed of 3,437 appeals, so that the number of appeals pending decreased by 26 to 4,563. The pendency time for an average appeal at the Board of Appeals was about 16 months starting from the time the Board obtained jurisdiction over the appeal. The Board does not obtain jurisdiction of an appealed application, however, until a case is forwarded to the Board by the examining group, usually about six months after the filing of the notice of appeal.

Board of Patent Interferences

A patent "interference" is a proceeding declared when an applicant claims the same subject matter in his patent application as has already been claimed in a recently issued patent or another pending application. Interferences are heard and decided by the Office's Board of Patent Interferences, which disposed of 301 cases in FY 1980. Interferences pending before the Board at the close of the year totaled 588, a decrease of 30 cases from the end of FY 1979.

Reissue and Protested Applications

The office completed its third full year of operation under the revised reissue rules, which afford patent owners the opportunity to have their patents reexamined in light of information not considered by the PTO when the initial examination was conducted. During the year 641 reissue applications were filed. The rate of reissue filings continued to be nearly twice that which prevailed before the reissue rules were amended in 1977. A sampling of reissue applications filed during 1980 showed that 23 percent of all reissues were filed pursuant to 37 CFR 1.175(a) (4), the regulation permitting patent owners to file reissue applications which have specifications and claims identical to those of the original patent. Informal records indicate that during the fiscal year protests were filed against 119 pending patent applications, with 102 (86 percent) of those protests filed in reissue applications. A screening program conducted by the Office of Quality Review showed nine percent of the reissues screened were protested.

The Manual of Patent Examining Procedure was revised to include a new chapter on protests, a new chapter on duty of disclosure and the striking of applications, an expanded chapter on reissues and correction of patents, a new chapter on certain issues of patentability and a new section on the handling of trade secret, confidential and protective order material.

Duty of Disclosure

One hundred sixty-seven applications, including many reissues and protested applications, were referred to the Assistant Commissioner for Patents for investigation of possible violations of the duty of applicants to disclose material information to the PTO. Forty of the 167 applications were disposed of by the Office. None of these were stricken for disclosure violations and about half were abandoned before the question could be considered. Several significant federal court decisions were rendered during the year involving the PTO's reissue, protest and duty of disclosure practice.

Accelerated Examination

Patent applications for inventions that enhance the quality of the environment or contribute to energy conservation or development may be accorded a "special" status which accelerates the examination process. In FY 1980, forty environment-related and 156 energy-related applications were accorded "special" status.

Patent Process

The Office implemented the second phase of a major automation project during the 1980 fiscal year. Over 250 terminals are now sending and receiving data on some 400,000 pending, patented and abandoned applications. PTO employees can now retrieve complete and current bibliographic data for all pending applications almost instantaneously in most of the processing areas. This eliminates the necessity of finding the file or referring to the internal manual control system.

During a typical day the system handles over 20,000 separate transactions, each of which updates the location of the particular application. When fully implemented, the system should reduce pendency by two to three weeks for all issuing patents because it enables the notice of allowance to be printed automatically and mailed to applicants at an earlier stage in the processing.

Assignment Search

During the year the Office developed an automated search system for assignment records. The new system will provide searchers with a computer-generated microfilm record of assignee and assignor information, sorted into alphabetical order. It will also enable searchers in the future to review patent assignments through direct access to a computer data base. The capability of searching by patent number was not available previously. The system also provides a printed copy of the assignment record to be sent to the filing party along with the original deed. Use of computer-generated microfim is expected to eliminate the problems associated with misfiled and lost assignment brief documents which were encountered in the previous index card search system.

Computer Data Base Available to Public

The PTO generated several data bases in the course of examining, classifying and printing patents. These valuable data bases were made available to the public for the first time in FY 1980 in the form of tapes containing bibliographic data, classification data and even the full texts of printed patents. The Office anticipates that the tapes will be purchased by private on-line computer information systems, researchers, chemical laboratories and others with a need for patent information. The National Technical Information Service, through which the tapes are sold, reports that public response to their availability has been very enthusiastic.

Quality Review

The Office's Quality Program for patents samples four percent of all allowed applications to provide data on:

- the patentability of the allowed claims;
- the correctness of the field of search and the classification of the application; and
- compliance with current practices and procedures.

From the establishment of the program in April of 1974 through the end of FY 1980, Quality Review completed processing on a total of 14,453 applications. Of these, 654 (or approximately 5 percent) were returned to the Groups as having one or more claims clearly unpatentable. Prosecution was reopened in 582 (i.e., approximately 89 percent of the applications returned to the Groups). In addition, the search was considered defective in some eight percent of sampled applications and prosecution was reopened in 76 of the 1,161 applications returned for additional searching.

During the first six months of FY 1980, only three percent of the sampled applications were found to be allowed in error, as compared to seven percent in FY 1975. And for the same six month period of FY 1980, prior art searches were found to be inappropriate in five percent of the applications reviewed, as compared to eleven percent in FY 1975. The Quality Review Program has proven to be a useful supplement to the regular quality review performed by immediate supervisors of examining personnel who, of course, play a key role in monitoring patent quality.

The Office is now developing criteria for a similar quality review of the trademark examining process.

Patent Search File

The integrity of the patent search file used by PTO examining personnel is critical to the reliability of the issued patent. In FY 1980 the Office accelerated a program of updating the most active portions of the patent search file and improving the accuracy of the computer record of file contents. Approximately 4,000 subclasses containing about 945,000 U.S. patents were reviewed. As a result of this review, approximately 69,000 patent copies were added to the file to replace missing or mutilated documents.

Reclassification

Selected portions of the patent search file are reviewed periodically to determine the need for new classifications better corresponding to the current state of technology. These ongoing reclassification programs constitute an analysis of all patents in a given technology. The Office then restructures the technological breakdowns to increase the access to and reliability of the patent search file. Athough reclassification programs established 5,261 new subclasses and involved approximately 600,000 U. S. and foreign patents, reclassification activity declined during the 1980 fiscal year.

Publication of Classification Definitions in Microfiche

A series of publications titled Classification Definitions were reproduced in microfiche and offered for sale through the Superintendent of Documents. The series has been distributed to Patent Depository Libraries and other libraries throughout the United States and has been put to use in the Classification Groups and Examining Groups of the PTO. This series of titles provides the definition of each of the over 320 different utility classes and comprises more than 12,000 pages of printed matter. It is now available in a set of 359 microfiche.

Technology Assessment and Forecast

The Patent and Trademark Office's Office of Technology Assessment and Forecast (OTAF) began publication of *Patent Profiles*. This new series presents information about patent activity and trends in various areas of technology, such as Synthetic Fuels and Solar Energy. Each issue contains data on patent numbers, titles, active companies and independent inventors in a particular technology.

In fiscal year 1980 OTAF prepared 201 special technology assessment reports for public and private organizations and completed development of a cross-reference system between the U. S. patent classifications and energy technology. This system will facilitate the identification and analysis of energy technology in 17 patent categories.

Patent Depository Libraries

Two new patent depository libraries were added in fiscal year 1980—the University of New Hampshire Library and the Minneapolis Public Library and Information Center. Patent depository libraries have completed collections of patents arranged in numerical order. The existence of the 34 Patent Depository Libraries puts more than 38 percent of the U. S. population within commuting distance of a patent collection.

A table showing the location of the Libraries and a point of contact in each was inaugurated as a continuing notice in the *Official Gazette* to promote public awareness of the Patent Depository Libraries. Publishers of private journals and journals of technical and professional societies are encouraged to republish this information.

PUBLIC PATENT DEPOSITORY LIBRARIES

ALABAMA
Birmingham Public Library

CALIFORNIA
Los Angeles Public Library
Sacramento - Cal. State Library
Sunnyvale Patent Library

COLORADO
Denver Public Library

GEORGIA
Atlanta - Price Gilbert Mem. Library (Ga. Inst. of Tech.)

ILLINOIS
Chicago Public Library

MASSACHUSETTS
Boston Public Library

MICHIGAN
Detroit Public Library

*MINNESOTA
Minneapolis Public Library and Information Center

MISSOURI
Kansas City - Linda Hall Lib.
St. Louis Public Library

NEBRASKA
Lincoln - Love Library (Univ. of Neb. - Lincoln)

**NEW HAMPSHIRE
Durham - University Library (University of New Hampshire)

NEW JERSEY
Newark Public Library

NEW YORK
Albany - N. Y. State Library (Univ. of the State of N. Y.)
Buffalo & Erie County Public Library
New York City Public Library

NORTH CAROLINA
Raleigh - D. H. Hill Library (N. C. State Univ.)

OHIO
Cincinnati & Hamilton County Public Library
Cleveland Public Library
Columbus - Ohio State Univ. Library
Toledo/Lucas County Public Library

OKLAHOMA
Stillwater - Okla. State Univ. Library

PENNSYLVANIA
Philadelphia - Franklin Inst. Library
Pittsburgh - Carnegie Library
Univ. Park - Pattee Library (Pa. State Univ.)

RHODE ISLAND
Providence Public Library

TENNESSEE
Memphis & Shelby County Public Library & Info. Ctr.

TEXAS
Dallas Public Library
Houston - The Fondren Library (Rice Univ.)

WASHINGTON
Seattle-Eng'g. Library (Univ. of Wash.)

WISCONSIN
Madison - Kurt F. Wendt Eng'g. Library (Univ. of Wisc.)
Milwaukee Public Library

Figure 12.

National Inventors' Day

The Patent and Trademark Office celebrated the eighth annual National Inventors' Day with the induction of four individuals into the National Inventors' Hall of Fame. The following were honored:

Edward Howard Armstrong—for his "Method of Receiving High Frequency Oscillations" Patent #1,324,885

James Hillier—for his "Electron Lens Correction Device" Patent #2,455,676

Chalres Franklin Kettering—for "Engine Starting Devices and Ignition System" Patent #1,150,523 and #171,055

Lewis Hastings Sarett—for "The Process of Treating Pregnene Compounds" Patent #2,462,133

The National Inventors' Hall of Fame, located at Crystal Plaza, is co-sponsored by the PTO and the National Council of Patent Law Associations.

Annual Briefing Conference

Thirty colleges and universities were represented at the PTO's 13th annual Tutorial held in March 1980 on the contribution of the patent system to the professional development of scientists and engineers.

Table 12.—SUMMARY OF PATENT EXAMINING ACTIVITIES
(As of September 30, 1980)

PATENT EXAMINING ACTIVITY	1978	1979	1980	AVERAGE 1971-80
PATENT APPLICATIONS FILED				
Utility [1]	100,473	99,516	104,219	101,989
Reissue	660	657	641	476
Plant	171	166	186	158
Subtotal	101,304	100,339	105,046	102,623
Design	7,440	7,070	7,269	6,446
Total Patent Applications Filed	108,744	107,409	112,315	109,069
FIRST ACTIONS				
Design	5,454	6,200	7,278	6,210
All Others	95,644	96,091	88,218	105,512
PATENT APPLICATIONS ALLOWED [2]				
Design	4,059	3,953	4,639	4,051
All Others [3]	68,022	63,661	60,611	70,643
Total Patent Applications Allowed	72,081	67,614	65,250	74,694
PATENT APPLICATIONS ABANDONED				
Design	1,761	1,889	2,128	1,771
All Others [3]	35,388	30,260	29,106	35,306
Total Patent Applications Abandoned	37,149	32,149	31,234	37,077
TOTAL PATENT APPLICATION DISPOSALS [4]	109,230	99,763	96,484	111,771
PATENTS ISSUED [5]				
Utility	65,963	51,686	56,618	68,800
Reissue	366	312	305	337
Plant	194	151	137	160
Subtotal	66,523	52,149	57,060	69,297
Design	3,797	3,269	4,167	3,791
Total Patents Issued	70,320	55,418	61,227	73,088
PATENTS WITHHELD FROM ISSUANCE [6]	1,813	1,630	1,712	2,226
PENDENCY OF AVERAGE PATENT APPLICATION [7]	19.8	19.4	22.6	21.9

[1] Chemical, Electrical, and Mechanical Applications.
[2] "Allowed Patent Applications" are Applications Awaiting Issuance (i.e., Publication) as Patents.
[3] Utility, Plant, and Reissue Applications.
[4] Disposals by Examiners—i.e., the sum of applications allowed and applications abandoned. Final disposals can be obtained by adding patents issued and applications abandoned. The Office measures the productivity of examiners in "production units", formerly called "balanced disposals". Production units are obtained by averaging first actions and examiner disposals.
[5] Excludes Withdrawn Numbers.
[6] For Non-Payment of Final Issue Fee (35 USC 151).
[7] Average Pendency (Months) Between Filing and Issuance/Abandonment of Utility, Plant, and Reissue Applications.

Table 13.—PATENT APPLICATIONS FILED (1961-80)

YEAR	UTILITY[1]	DESIGN	PLANT	REISSUE	TOTAL
1961	80,842	4,605	106	223	85,776
1962	84,864	4,963	131	270	90,228
1963	84,620	4,841	149	277	89,887
1964	87,482	5,067	147	207	92,903
1965	88,908	5,319	89	237	94,553
1966	93,022	5,187	103	266	98,578
1967	88,167	4,774	100	241	93,282
1968	90,252	4,889	107	304	95,552
1969	96,342	5,432	103	376	102,253
1970	100,116	5,722	113	344	106,295
1971	103,733	6,057	161	266	110,217
1972	102,663	6,358	166	293	109,480
1973	100,900	5,541	109	382	106,932
1974	103,479	4,948	109	391	108,927
1975	101,283	5,751	163	465	107,662
1976[2]	101,807	6,838	144	438	109,227
1977[2]	101,821	7,186	202	564	109,773
1978	100,473	7,440	171	660	108,744
1979	99,516	7,070	166	657	107,409
1980	104,219	7,269	186	641	112,315

[1] Chemical, Electrical, and Mechanical Applications.
[2] The Transition Quarter, July 1, 1976 to September 30, 1976, has been Omitted.

Table 14.—SUMMARY OF PENDING PATENT APPLICATIONS (As of September 30, 1980)

STAGE OF PROCESSING	DESIGN APPLNS.	ALL PAT. APPLNS.[1]
IN PRE-EXAMINING PROCESSING	685	37,396
UNDER EXAMINATION		
Amended, Awaiting Action by Examiner	435	10,891
Awaiting First Action by Examiner	8,877	53,398
Awaiting Response by Applicant	2,679	58,010
In Interference	1	941
On Appeal	243	6,897
Total Under Examination	12,235	130,137
IN POST-EXAMINATION PROCESSING		
Awaiting Payment of Issue Fee	1,208	25,088
D-10's (Secret Cases in Condition for Allowance)	0	2,585
Total in Post-Examination Processing	1,208	27,673
IN ISSUE PROCESSING		
Awaiting Printing Pre-Processing[2]	632	9,761
Awaiting Printing	412	12,036
Total in Issue Processing	1,044	21,797
TOTAL IN PATENT AND TRADEMARK OFFICE	15,172	217,003

[1] Including Utility, Reissue, Design, and Plant Patent Applications.
[2] In the Patent and Trademark Office, with the Issue Fee Paid.

Table 15.—PATENT APPLICATIONS PENDING[1] (1961-80)

YEAR	AWAITING ACTION BY EXAMINER[2]	TOTAL APPLNS. PENDING[3]	YEAR	AWAITING ACTION BY EXAMINER[2]	TOTAL APPLNS. PENDING[3]
1961	92,489	206,340	1971	64,890	190,103
1962	102,833	203,497	1972	70,477	189,177
1963	119,946	215,577	1973	64,940	175,281
1964	129,151	226,066	1974	47,411	162,447
1965	149,284	212,416	1975	41,916	146,464
1966	147,664	214,664	1976[4]	43,776	142,379
1967	136,672	205,768	1977[4]	60,706	144,542
1968	109,509	194,087	1978	57,031	144,056
1969	103,704	[5] 196,338	1979	50,085	151,702
1970	81,548	192,575	1980	64,289	167,533

[1] Pending at End of Period Indicated. Does not Include Allowed Applications.
[2] Through 1965, Includes Applications having Suspended Actions.
[3] Includes Applications in Pre-Examination Processing.
[4] The Transition Quarter, July 1, 1976 to September 30, 1976, has been Omitted.
[5] Revised.

Table 16.—PATENTS ISSUED [1] (1961-80)

YEAR	UTILITY[2]	DESIGN	PLANT	REISSUE	TOTAL
1961	47,222	2,488	110	160	49,980
1962	51,065	2,336	88	190	53,679
1963	53,958	2,411	114	215	56,698
1964	44,050	3,019	147	203	47,419
1965	52,914	2,979	127	204	56,224
1966	66,243	3,638	105	238	70,224
1967	70,028	2,840	102	180	73,150
1968	61,599	3,539	67	185	65,390
1969	61,957	2,991	80	201	65,229
1970	66,339	3,401	80	311	70,131
1971	[3] 70,387	3,097	77	222	[3] 73,783
1972	83,221	3,032	170	264	86,687
1973	[4] 67,552	3,441	146	274	[4] 71,413
1974	79,300	4,439	211	367	84,317
1975	[5] 70,179	3,632	155	398	[5] 74,364
1976[6]	[5] 75,325	4,781	195	434	[5] 80,735
1977[6]	67,972	4,261	164	435	72,832
1978	65,963	3,797	194	366	70,320
1979	51,686	3,269	151	312	55,418
1980	56,618	4,167	137	305	61,227

[1] Excludes Withdrawn Numbers Beginning with Fiscal Year 1978.
[2] Chemical, Electrical, and Mechanical Applications.
[3] Does not Include 1,300 Voided Numbers.
[4] Does not Include 1,356 Voided Numbers.
[5] In 1975, Under the Trial Voluntary Protest Program (Now Abolished), an Additional 667 Applications were Published but not Issued: in 1976, there were 1,303 Published but not Issued.
[6] The Transition Quarter, July 1, 1976 to September 30, 1976, has been Omitted.

Table 17.—SUMMARY OF CONTESTED PATENT CASES (Within The Patent And Trademark Office)

PATENT AND TRADEMARK OFFICE TRIBUNAL	TOTALS
BOARD OF PATENT APPEALS	
Cases Pending as of 9/30/79	
Appeals	4,589
Reconsideration	50
Cases Filed During FY 80	
Appeals	3,411
Reconsideration	452
Total	8,502
Disposals	
Affirmed	2,075
Affirmed-In-Part	285
Dismissed	6
Reversed	812
Suspended	0
Withdrawn	259
Total Disposals [1]	3,883
Total Cases Pending as of 9/30/80 [2]	4,619
BOARD OF PATENT INTERFERENCES	
Interferences Pending as of 9/30/79	643
Interferences Declared During FY 80	246
Total	889
Disposals	
Interferences Terminated	301
Total Interferences Awaiting Final Board Disposition as of 9/30/80	
Awaiting a Final Decision	43
Awaiting the Setting of a Final Hearing	37
Set for Final Hearing	15
Total Interferences Awaiting Final Board Disposition	95
Total Interferences Pending as of 9/30/80	588

[1] Reconsiderations included: 446
[2] Reconsiderations included: 56

Table 18.—PATENTS ISSUED TO RESIDENTS OF THE UNITED STATES (1974-80)[1]

STATE/TERRITORY	1974	1975	1976[2]	1977[2]	1978	1979	1980
Alabama	322	221	265	208	205	163	201
Alaska	29	30	34	26	29	18	31
American Samoa	11	13	13	5	4	3	8
Arizona	538	436	511	481	464	382	446
Arkansas	102	91	102	102	108	65	73
California	7,864	6,510	7,101	6,923	6,211	4,839	5,335
Canal Zone	5	8	5	2	4	4	2
Colorado	668	595	649	617	561	471	528
Connecticut	1,873	1,612	1,752	1,552	1,385	1,086	1,210
Delaware	588	461	513	413	384	264	271
Dist. of Columbia	74	88	83	70	62	58	58
Florida	1,166	1,059	1,085	1,096	1,051	798	1,024
Georgia	404	353	383	337	346	311	337
Guam	12	3	4	1	3	2	1
Hawaii	55	61	51	43	41	32	32
Idaho	111	99	94	80	73	60	80
Illinois	4,653	3,959	4,173	3,751	3,390	2,581	2,868
Indiana	1,374	1,172	1,177	1,069	998	813	865
Iowa	494	386	446	451	366	261	331
Kansas	404	362	351	302	307	256	255
Kentucky	336	343	323	281	288	227	262
Louisiana	518	357	404	352	319	266	282
Maine	76	76	61	52	71	53	61
Maryland	1,124	913	1,072	861	829	665	702
Massachusetts	2,421	2,062	2,192	1,860	1,758	1,475	1,555
Michigan	3,215	2,832	2,691	2,474	2,373	1,875	2,130
Minnesota	1,230	1,029	1,082	968	905	786	851
Mississippi	88	103	100	74	76	68	68
Missouri	851	712	728	651	687	474	613
Montana	36	60	48	45	65	35	55
Nebraska	153	147	140	130	119	108	109
Nevada	78	92	85	111	105	84	88
New Hampshire	195	165	171	176	170	137	160
New Jersey	4,320	3,723	4,188	3,687	3,594	2,719	2,913
New Mexico	144	81	145	116	104	68	105
New York	6,120	5,015	5,109	4,737	4,259	3,168	3,406
North Carolina	586	535	576	540	529	409	491
North Dakota	53	46	45	44	58	30	35
Ohio	3,815	3,215	3,223	2,898	2,761	2,026	2,165
Oklahoma	811	747	725	618	655	519	592
Oregon	433	348	357	328	349	281	314
Pennsylvania	3,982	3,578	3,583	3,223	3,029	2,277	2,410
Puerto Rico	25	25	14	25	25	15	9
Rhode Island	247	215	217	209	164	128	143
South Carolina	278	259	274	233	281	183	232

Table 18.—PATENTS ISSUED TO RESIDENTS OF THE UNITED STATES (1974-80)[1]—Continued

STATE/TERRITORY	1974	1975	1976[2]	1977[2]	1978	1979	1980
South Dakota	39	45	48	43	40	27	17
Tennessee	412	399	416	374	372	311	376
Texas	2,342	2,153	2,235	2,063	2,037	1,606	1,789
Utah	267	230	242	225	191	169	213
Vermont	115	76	70	75	79	61	56
Virgin Islands	6	19	7	9	4	7	7
Virginia	803	644	696	637	600	426	511
Washington	597	530	595	561	540	449	518
West Virginia	166	126	162	162	172	134	144
Wisconsin	1,239	1,041	948	882	846	618	760
Wyoming	39	34	43	38	31	32	35
U.S. Air Force	4	0	1	1	0	0	1
U.S. Army	1	0	0	0	0	0	0
U.S. Navy	0	0	0	0	1	0	0
TOTAL	57,812	49,494	51,808	47,292	44,482	34,383	38,134

[1] Data includes Design, Plant and Reissue Patents.
[2] The Transition Quarter, July 1, 1976 to September 30, 1976, has been Omitted.

Table 19.—UNITED STATES PATENT APPLICATIONS Filed by Residents of Foreign Countries (1978-80)

COUNTRY	1978	1979	1980
Algeria	4	0	0
Argentina	72	72	54
Australia	582	630	685
Austria	438	463	399
Bahamas	17	13	5
Bahrain	0	1	1
Barbados	0	1	0
Belgium	423	408	389
Bermuda	1	5	2
Bolivia	5	4	0
Brazil	75	73	61
Bulgaria	47	36	39
Burma	1	0	0
Canada	2,359	2,230	2,289
Chile	9	8	9
China, Peoples Rep. of	9	12	12
Colombia	8	9	5
Congo	0	1	1
Costa Rica	6	8	10
Cuba	3	4	2
Cyprus	1	1	1
Czechoslovakia	98	79	88
Denmark	281	273	213
Dominican Rep.	1	0	3
Ecuador	4	1	1
Egypt	2	8	3
El Salvador	3	0	0
Finland	241	261	294
France	3,343	3,152	3,533
Germany, Dem. Rep. of	33	126	109
Germany, Fed. Rep. of	9,520	9,091	9,872
Gilbert Islands	0	0	2
Greece	23	20	15
Greenland	0	0	1
Guatemala	2	5	2
Haiti	4	2	0
Hong Kong	86	112	118
Hungary	137	182	201
Iceland	15	4	2
India	27	29	22

Table 19.—UNITED STATES PATENT APPLICATIONS Filed by Residents of Foreign Countries (1978-80)—Continued

COUNTRY	1978	1979	1980
Indonesia	5	0	9
Iran	12	3	2
Ireland	48	44	45
Israel	212	248	272
Italy	1,402	1,527	1,520
Jamaica	3	3	1
Japan	10,355	11,053	13,079
Jordan	0	0	1
Kenya	2	1	1
Korea, Dem. Rep. of	0	2	8
Korea, Rep. of	38	37	39
Kuwait	2	1	12
Lebanon	1	4	1
Liberia	2	1	0
Libya	1	0	0
Liechtenstein	13	23	21
Luxembourg	33	35	31
Madagascar	8	1	0
Malagasy	1	0	0
Malawi	0	1	0
Malaysia	5	0	4
Mali	1	0	0
Malta	0	0	1
Martinique	0	1	0
Mauritania	0	2	0
Mauritius	0	0	1
Mexico	111	91	83
Monaco	13	13	8
Morocco	1	0	2
Libya	0	3	0
Naru	0	0	1
Netherlands	1,041	1,035	1,035
New Hebrides	0	0	3
New Zealand	116	113	132
Nicaragua	1	4	0
Nigeria	4	3	4
Niue	0	0	1
Norway	171	168	127
Pakistan	1	0	2
Panama	2	3	2

Table 19.—UNITED STATES PATENT APPLICATIONS Filed by Residents of Foreign Countries (1978-80)—Continued

COUNTRY	1978	1979	1980
Paraguay	0	0	1
Peru	4	0	3
Philippines	21	9	17
Poland	63	87	71
Portugal	3	6	7
Rhodesia	2	1	3
Romania	27	21	8
San Marino	0	1	3
Saudi Arabia	4	0	2
Senegal	0	2	0
Singapore	6	11	7
South Africa	177	217	188
Soviet Union	624	550	341
Spain	153	177	168
St. Helena	0	0	1
Sudan	1	1	0
Swaziland	0	2	0
Sweden	1,379	1,301	1,256
Switzerland	2,062	1,967	1,994
Taiwan	233	254	369
Thailand	4	6	5
Trinidad & Tobago	2	6	0
Tunisia	3	3	2
Turkey	3	4	5
United Kingdom	4,691	4,423	4,470
Upper Volta	1	1	0
Uruguay	12	9	27
Venezuela	19	22	18
Viet Nam, Rep. of	0	0	1
Yugoslavia	31	29	24
Total	41,002	40,854	43,882

Table 20.—PATENTS ISSUED BY THE UNITED STATES TO RESIDENTS OF FOREIGN COUNTRIES (1974-80)[1]

COUNTRY	1974	1975	1976[2]	1977[2]	1978	1979	1980
Algeria	0	0	1	0	1	0	0
Argentina	26	32	22	24	46	90	42
Australia	252	253	299	272	297	252	269
Austria	263	275	339	297	287	221	253
Bahamas	16	17	9	5	8	7	4
Belgium	345	302	337	306	280	213	235
Bermuda	1	3	2	4	1	1	2
Bolivia	4	9	6	0	3	0	7
Brazil	19	22	20	25	30	12	24
Bulgaria	17	15	27	36	32	18	19
Burma	0	0	0	0	1	1	1
Canada	1,511	1,324	1,411	1,388	1,338	1,105	1,118
Chile	6	5	7	2	4	3	2
China, Peoples Republic	0	0	0	2	0	1	2
Colombia	10	6	4	6	12	5	7
Congo	3	4	12	11	1	0	1
Costa Rica	1	2	8	0	1	11	2
Cuba	1	1	1	1	3	1	3
Cyprus	0	2	1	2	1	0	2
Czschoslovakia	105	121	110	109	93	52	56
Dahomey	0	1	1	0	0	0	0
Denmark	184	176	210	172	183	133	147
Dominican Rep.	3	1	0	1	1	0	0
Ecuador	6	6	7	1	0	1	0
Egypt	3	1	4	1	0	1	1
El Salvador	1	1	5	3	2	5	1
Ethiopia	0	0	0	2	2	0	0
Finland	121	102	112	99	141	85	124
France	2,548	2,399	2,666	2,255	2,225	1,728	2,015
Germany, Dem. Republic	0	0	0	1	3	0	22
Germany, Fed. Republic	6,360	5,780	6,800	5,902	5,883	4,935	5,354
Greece	19	3	17	11	11	7	5
Guatemala	9	3	5	3	4	0	1
Guinea	1	0	0	1	1	0	0
Haiti	1	4	4	1	0	2	2
Honduras	1	0	1	1	1	1	0
Hong Kong	23	19	46	32	33	30	48
Hungary	51	64	66	69	82	57	77
Iceland	1	5	6	3	13	35	11
India	20	17	14	16	20	15	10
Indonesia	10	6	5	0	4	5	3
Iran	4	4	5	3	5	8	7
Ireland	25	26	34	21	32	21	22
Israel	94	95	119	97	107	92	105

Table 20.—PATENTS ISSUED BY THE UNITED STATES TO RESIDENTS OF FOREIGN COUNTRIES (1974-80)[1]—Continued

COUNTRY	1974	1975	1976[2]	1977[2]	1978	1979	1980
Italy	900	762	866	810	761	638	742
Ivory Coast	1	0	0	1	0	0	0
Jamaica	1	1	0	3	3	1	4
Japan	5,964	5,899	7,383	6,462	7,099	5,827	6,626
Jordan	0	0	0	0	1	1	0
Kenya	0	0	2	1	0	0	4
Korea, Rep. of	10	8	9	5	14	9	9
Kuwait	0	1	0	0	1	2	0
Lebanon	1	7	4	0	3	0	0
Liberia	0	0	0	0	1	0	0
Libya	0	1	0	1	2	0	1
Liechtenstein	12	10	14	10	12	10	14
Luxembourg	18	13	20	14	21	19	17
Madagascar	0	0	0	0	1	1	0
Malaysia	1	0	3	2	5	2	1
Mali	0	0	0	0	2	0	1
Mauritania	0	1	0	0	0	0	0
Mexico	50	71	78	65	42	39	43
Monaco	2	9	8	5	9	1	6
Morocco	2	1	0	4	1	1	1
Nambia	0	0	0	0	0	0	1
Netherlands	778	665	709	770	680	579	585
New Zealand	22	24	37	32	46	28	51
Nicaragua	0	1	3	2	3	0	
Nigeria	0	1	1	1	3	1	1
Norway	97	106	110	113	103	89	80
Pakistan	1	0	2	1	0	0	1
Panama	1	5	4	3	0	1	2
Paraguay	0	0	0	1	1	0	2
Peru	1	5	8	6	1	3	1
Philippines	15	7	8	10	8	6	3
Poland	27	32	35	26	29	30	30
Portugal	4	7	5	3	5	1	1
Rhodesia	1	2	1	4	1	0	1
Romania	34	21	15	20	11	7	16
Saudi Arabia	0	2	0	3	0	1	2
Senegal	0	0	0	0	0	1	0
Singapore	9	6	4	3	5	2	5
South Africa	95	74	89	81	86	67	80
Soviet Union	444	454	435	399	386	398	403
Spain	99	87	105	114	95	63	65
Sri Lanka	1	0	0	2	0	0	1
Sudan	1	2	0	1	0	0	0
Swaziland	0	0	0	0	0	0	1
Sweden	944	939	1,118	1,005	918	680	778

Table 20.—PATENTS ISSUED BY THE UNITED STATES TO RESIDENTS OF FOREIGN COUNTRIES (1974-80)[1]—Continued

COUNTRY	1974	1975	1976[2]	1977[2]	1978	1979	1980
Switzerland	1,580	1,354	1,603	1,438	1,374	1,107	1,133
Syria	0	0	1	0	0	0	0
Taiwan	17	28	29	49	40	35	58
Tanzania	0	0	0	1	0	0	0
Thailand	0	2	1	3	0	1	3
Trinidad & Tobago	3	3	1	3	4	4	2
Tunisia	0	0	0	1	0	0	3
Turkey	3	0	0	2	1	1	4
Uganda	0	1	1	0	0	0	0
United Kingdom	3,242	3,071	3,443	2,831	2,850	2,203	2,281
Uruguay	1	1	2	0	0	0	0
Venezuela	7	9	2	9	8	13	11
Viet Nam, Rep. of	1	2	1	1	1	0	1
Yemen	0	0	0	0	0	1	0
Yugoslavia	8	10	5	7	9	7	13
Zambia	0	0	1	0	0	0	0
TOTAL	26,464	24,821	28,909	25,513	25,838	21,035	23,093

[1] Data includes Design, Plant and Reissue Patents.
[2] The Transition Quarter, July 1, 1976 to September 30, 1976, has been Omitted.

Table 21.—PATENT DOCUMENTATION ACTIVITY (1977-80)

DOCUMENTATION ACTIVITY	1977	1978	1979	1980
PATENTS RECLASSIFIED *				
Cross-Reference U.S. Patents	354,298	370,050	314,723	219,203
Foreign Patents	240,000	239,000	239,000	232,000
Original U.S. Patents	149,762	149,602	149,151	145,206
Total Patents Reclassified	744,060	758,652	702,874	596,409
SUBCLASSES ESTABLISHED	3,568	4,924	6,883	5,261

* Includes Only Those for which Final Classification Processing was Completed.

Table 22.—SUMMARY OF SERVICES FURNISHED TO THE PUBLIC AND GOVERNMENT AGENCIES
(For A Fee Or Without Charge)

ITEM/SERVICE FURNISHED	TOTALS
ASSIGNMENTS	
Abstracts of Title and Title Searches	649
Copies of Documents	20,498
Documents Recorded	77,321
Issue Searches	50,918
Title Reports	15,713
Total Assignments	165,099
CERTIFICATES	80,000
DRAWINGS AND CORRECTIONS	12,088
PATENT AND TRADEMARK COPIES	
Archives	170,000
Foreign Exchange	2,664,000
Library Subscriptions	1,020,000
Orders	2,779,000
Total Patent and Trademark Copies	6,633,000
PRINTS (Manuscripts, Publications, etc.)	16,570,000

GENERAL INFORMATION

Table 23.—ACTIONS ON PETITIONS TO THE COMMISSIONER OF PATENTS AND TRADEMARKS (During Fiscal Year 1980)

NATURE OF THE PETITION	TOTALS
PATENT MATTERS	
Acceptance of	
Amendments Filed after Payment of Issue Fee	36
Late Assignments	35
Late Issue Fees	523
Late Priority Papers	31
Access	148
Certificates of Correction	5,998
Deferment of Issue	84
Filing Date	217
Interference	159
Make Special	
Infringement	92
Manufacture	13
Other	579
New Notice of Allowance	46
Public Use	12
Reissue in Divisions	10
Restriction	76
Revivals	1,918
Rule 47 (37 CFR 1.47)	677
Second Extensions of Time	12,209
Supervisory Authority	453
Withdrawal of Attorney	426
Withdrawal from Issue	113
Change of Inventorship	27
Withdrawals of Holding of Aband./Pat. Lapse	610
Total Actions on Patent Petitions	24,492
OTHER RELATED PATENT MATTERS	
Applications Involving the Duty of Disclosure	
Receipts	167
Disposals	
Abandoned	19
Not Stricken	19
Stricken	0
Applications Withdrawn	2
Total Disposals	40
Protests Filed in	
Original Applications	17
Reissue Applications	102
Total Protests Filed	119

Table 23.—ACTIONS ON PETITIONS TO THE COMMISSIONER OF PATENTS AND TRADEMARKS (During Fiscal Year 1980)—Continued

NATURE OF THE PETITION	TOTALS
TRADEMARK MATTERS	
Acceptance of Late Filed:	
Fees (Excluding Section 8)	1
Papers (Excluding Section 8)	18
Decision by Examiner	5
Extensions of Time	13
Filing Date	1
Interference	2
Make Special	86
Requesting Recordation	3
Revivals	257
Sections 8 or 15	10
Supervisory Authority	19
Miscellaneous	12
Total Actions on Trademark Petitions	427
PETITIONS AWAITING ACTION AS OF 9/30/80	
Patent Matters	534
Trademark Matters	73

Table 24.—CASES IN LITIGATION
(Selected Courts Of The United States)

COURT OF THE UNITED STATES	ADMINIS. REVIEW	PAT	TM	TOTAL
UNITED STATES SUPREME COURT				
Petitions for Writ of Certiorari				
Cases Pending as of 9/30/79	1	1	1	3
Cases Filed During FY 80	2	4	0	6
Total	3	5	1	9
Disposals				
Denied	3	0	1	4
Dismissed	0	1	0	1
Granted	0	1	0	1
Reversed	0	1	0	1
Total Disposals	3	3	1	7
Total Cases Pending as of 9/30/80	0	3	0	2
UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA				
Cases Pending as of 9/30/79	1	6	0	7
Cases Filed During FY 80	2	0	0	2
Total	3	6	0	9
Disposals				
Affirmed	0	2	0	2
Dismissed	0	2	0	2
Reversed	0	2	0	2
Total Disposals	0	6	0	6
Total Cases Pending as of 9/30/80 ..	3	0	0	3
UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA				
Cases Pending as of 9/30/79	3	24	0	27
Cases Filed During FY 80	4	6	0	10
Total	7	30	0	37
Disposals				
Affirmed	2	1	0	3
Dismissed	5	10	0	15
Reversed	0	1	0	1
Affirmed-in-part	1	0	0	1
Total Disposals	8	12	0	20
Total Cases Pending as of 9/30/80	2	10	0	12

Table 24.—CASES IN LITIGATION (Selected Courts Of The United States)—Continued

COURT OF THE UNITED STATES	EX PARTE PAT	EX PARTE TM	INTER PARTES PAT	INTER PARTES TM	TOTAL
UNITED STATES COURT OF CUSTOMS AND PATENT APPEALS					
Cases Pending as of 9/30/79	60	4	8	11	83
Cases Filed During FY 1980	98	5	12	8	123
Total Receipts	158	9	20	19	206
Disposals:					
Affirmed	46	4	3	7	60
Affirmed-In-Part	5	0	2	1	8
Dismissed:					
Appellant's Motion	12	0	2	3	17
Appellee's Motion	0	0	0	0	0
Joint Motion	0	0	0	1	1
Want of Prosecution	0	0	0	0	0
Remanded	2	0	0	0	2
Reversed	22	0	5	1	28
Writs of Mandamus					
Denied	1	0	0	0	1
Granted	0	0	0	0	0
Total Disposals	88	4	12	13	117
Total Cases Pending as of 9/30/80	70	5	8	6	89

Table 25.—CASES IN LITIGATION (Other Jurisdictions—Reported Cases)

MONTH	PATENT SUITS Filed	PATENT SUITS Pat's Involved	PATENT SUITS Decs.	PATENT SUITS Pat's Involved	TRADEMARK SUITS Filed	TRADEMARK SUITS Pat's Involved	TRADEMARK SUITS Decs.	TRADEMARK SUITS Pat's Involved
October, 1979	47	72	23	30	58	133	32	92
November	63	82	28	40	60	139	21	168
December	39	70	19	48	63	225	18	39
January	71	99	15	21	72	211	24	72
February	29	45	10	13	33	97	20	32
March	40	54	26	49	60	404	28	82
April	35	44	23	26	44	162	24	90
May	39	71	22	33	55	125	20	74
June	56	74	17	26	40	140	17	39
July	50	70	13	22	45	200	20	82
August	37	79	24	52	39	96	30	52
Sept., 1980	44	58	18	25	39	137	25	92
TOTALS	550	818	238	385	608	2069	279	914

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